

## Environmental Protection Agency

## § 52.138

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

[38 FR 12705, May 14, 1973, as amended at 39 FR 10584, Mar. 21, 1974; 39 FR 43277, Dec. 12, 1974; 40 FR 3994, Jan. 27, 1975; 54 FR 25258, June 14, 1989]

### § 52.135 Resources.

(a) The requirements of § 51.280 of this chapter are not met because the transportation control plan does not contain a sufficient description of resources available to the State and local agencies and of additional resources needed to carry out the plan during the 5-year period following submittal.

[38 FR 16564, June 22, 1973, as amended at 51 FR 40677, Nov. 7, 1986]

### § 52.136 Control strategy for ozone: Oxides of nitrogen.

EPA is approving an exemption request submitted by the State of Arizona on April 13, 1994 for the Maricopa County ozone nonattainment area from the NO<sub>x</sub> RACT requirements contained in section 182(f) of the Clean Air Act. This approval exempts the Phoenix area from implementing the NO<sub>x</sub> requirements for RACT, new source review (NSR), and the applicable general and transportation conformity and inspection and maintenance (I/M) requirements of the CAA. The exemption is based on Urban Airshed Modeling as lasts for only as long as the area's modeling continues to demonstrate attainment without NO<sub>x</sub> reductions from major stationary sources.

[60 FR 19515, Apr. 19, 1995]

### § 52.137 [Reserved]

### § 52.138 Conformity procedures.

(a) *Purpose.* The purpose of this regulation is to provide procedures as part of the Arizona carbon monoxide implementation plans for metropolitan transportation planning organizations (MPOs) to use when determining conformity of transportation plans, programs, and projects. Section 176(c) of

the Clean Air Act (42 U.S.C. 7506(c)) prohibits MPOs from approving any project, program, or plan which does not conform to an implementation plan approved or promulgated under section 110.

#### (b) Definitions.

(1) *Applicable implementation plan or applicable plan* means the portion (or portions) of the implementation plan, or most recent revision thereof, which has been approved under section 110 of the Clean Air Act, 42 U.S.C. 7410, or promulgated under section 110(c) of the CAA, 42 U.S.C. 7410(c).

(2) *Carbon monoxide national ambient air quality standard (CO NAAQS)* means the standards for carbon monoxide promulgated by the Administrator under section 109, 42 U.S.C. 7409, of the Clean Air Act and found in 40 CFR 50.8

(3) *Cause* means resulting in a violation of the CO NAAQS in an area which previously did not have ambient CO concentrations above the CO NAAQS.

(4) *Contribute* means resulting in measurably higher average 8-hour ambient CO concentrations over the NAAQS or an increased number of violations of the NAAQS in an area which currently experiences CO levels above the standard.

(5) *Metropolitan planning organization (MPO)* means the organization designated under 23 U.S.C. 134 and 23 CFR part 450.106. For the specific purposes of this regulation, MPO means either the Maricopa Association of Governments or the Pima Association of Governments.

(6) *Nonattainment area* means for the specific purpose of this regulation either the Pima County carbon monoxide nonattainment area as described in 40 CFR 81.303 or the Maricopa County carbon monoxide nonattainment area as described in 40 CFR 81.303 (i.e., the MAG urban planning area).

(7) *Transportation control measure (TCM)* means any measure in an applicable implementation plan which is intended to reduce emissions from transportation sources.

(8) *Transportation improvement program (TIP)* means the staged multiyear program of transportation improvements including an annual (or biennial) element which is required in 23 CFR part 450.